

Hadlow (Golden Green) **563329 148339** **26 January 2015** **TM/15/00230/RD**
East Peckham And
Golden Green

Proposal: Details of landscaping and boundary treatment submitted pursuant to condition 5 of planning permission TM/14/01713/FL (Proposed reconstruction of building following storm damage and retaining residential dwelling on site)

Location: Titheward Yard Three Elm Lane Golden Green Tonbridge Kent TN11 0BN

Applicant: Mr And Mrs D Parsons

1. Description:

- 1.1 This application seeks to formally discharge condition 5 of planning permission TM/14/01713/FL through the submission of a scheme of soft landscaping and boundary treatment. The submitted landscaping plan indicates the boundary treatments and proposed planting. However, the front boundary wall, pillars and entrance gates have already been constructed and this application is therefore to be dealt with on a retrospective basis.
- 1.2 To provide some background context, I can advise that planning permission was granted in 2011 for the change of use of two former agricultural buildings on this site, one to a three bedroom dwelling (Building A) and the other to a garage, office and workshop (Building B). There was no material change proposed to the external appearance of the buildings with no extensions or additions proposed.
- 1.3 During the course of the building works to convert Building A to residential, during the gales that occurred in October 2013 the frame of the building was disrupted and the building then collapsed. Planning permission was subsequently granted under application reference TM/14/01713/FL to rebuild Building A rather than convert it. Permission is now sought to discharge condition 5 (landscaping/boundary details), of that planning permission.

2. Reason for reporting to Committee:

- 2.1 Retrospective nature of the works and the potential for Enforcement action.

3. The Site:

- 3.1 The site is on the outskirts of Golden Green within the Metropolitan Green Belt.
- 3.2 The site is surrounded by existing residential properties with dwellings to the east, west and north and open farmland to the south.

4. Planning History (relevant):

TM/11/02025/FL Approved 26 October 2012

Change of use of buildings and land at Titheward Yard into one residential dwelling and associated garaging, office and workshop building

TM/13/01751/RD Approved 1 October 2013

Details pursuant to condition 3 (environmental contamination/risk assessment); condition 4 (landscaping/boundary details); condition 5 (materials); and condition 8 (flue details) of planning permission TM/11/02025/FL (Change of use of buildings and land to one residential dwelling and associated garage, office and workshop)

TM/14/01713/FL Approved 25 July 2014

Proposed reconstruction of building following storm damage and retaining residential dwelling on site

5. Consultees:

5.1 PC: Object – inappropriate development within Green Belt and the boundary wall is out of character within the rural area.

6. Determining Issues:

6.1 The site lies within the Metropolitan Green Belt. Current policies governing development within the Green Belt and countryside generally, being policies CP3 and CP14 of the TMBCS 2007, all establish a general presumption against inappropriate development within the Green Belt and give long term protection to rural areas and accord with the requirements of the NPPF.

6.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

- 6.3 As I have explained at the beginning of this report, the planning permission granted was subject to certain conditions to enable the Local Planning Authority to regulate and control associated subsequent works to the property, including the provision of boundary walls and means of enclosure. Additionally, I was particularly mindful that any such means of enclosure, including the inclusion of entrance gates for example, had the potential to be visually obtrusive if they were of an inappropriate design or type out of keeping with the rural setting. As the development has commenced on site, the condition removing these permitted development rights has come into effect meaning that the boundary wall and gates are in breach of planning control and therefore potentially liable to formal enforcement action.
- 6.4 Whilst I do not consider the works to have resulted in a material impact on the openness of the MGB specifically, I do have significant concerns about the nature of the development in terms of its impact on the rural setting of the site and the rural amenities of the wider locality. The new boundary wall is far starker and much more suburban in character than would be expected in a location such as this. The entrance gates and associated brick piers are suburban in character by virtue of their design and the materials utilised. They are not features that would readily be associated with a small rural dwelling such as this. For these reasons, I consider the development to the frontage of the site has seriously diminished the rural character of both the site and its surroundings. As such, the proposal is contrary to policy CP24 of the TMBCS and policy SQ1 of the MDE DPD and the guidance contained within the NPPF.
- 6.5 It is noted that the applicant has indicated that a Yew hedge could be planted in front of the wall in order to soften its appearance and the gates are set back some distance from the edge of the highway. However, given the overall height, length and general scale of the wall in question, I do not consider that a requirement to plant hedging along the outer edge of the wall would mitigate the degree of harm arising to such an extent that would render it acceptable in visual terms. Similarly, the imposing nature of the gates and brick pillars either side means that the set back of the entrances gates from the highway does not sufficiently reduce their obtrusiveness within the rural locality.
- 6.6 I appreciate that the works must have been undertaken at some expense to the applicant but their acceptability ultimately rests on their appropriateness for the specific location. For the reasons cited above, I do not consider this to be the case.
- 6.7 Equally, I understand that the applicant might wish to afford his property a greater level of security. Given the degree of harm caused to the character of the rural locality, I do not consider that this provides sufficient justification for allowing retention of the development in its current form.

6.8 I shall, therefore, recommend that planning permission be refused. If Members accept that recommendation, it will be necessary to consider whether it is expedient to take enforcement action against the unauthorised works and, if so, what form that action should take. In light of the preceding assessment and the harm identified, I cannot see any way in which the impacts of the entrance gates, brick piers and boundary wall could be reduced by compensatory measures and as such I recommend that an Enforcement Notice should require the removal of the works. I consider that the degree and specific nature of the harm that has been caused by the unauthorised development (i.e. the harm to the rural character, as described above) does justify the service of an Enforcement Notice in this instance and the following recommendations are put forward:

7. Recommendation:

7.1 **Refuse Planning Permission** for the following:

Reason:

1 The boundary wall, entrance gates and brick piers by virtue of their overall scale and height combined with their unsympathetic design and materials used, and also because of their inherently suburban character, are detrimental to the appearance, character and amenities of the rural locality. As such, the development is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy and policy SQ1 of the Managing Development and the Environment DPD 2010.

7.2 **An Enforcement Notice BE ISSUED** to require the removal of the boundary wall, entrance gates and brick piers.

Contact: Rebecca Jarman